

(e) *Computerized records.* Where information is stored within one of the Department's computer systems, and it can only be retrieved by creating a new computer program, or modifying an existing program in a manner in which it would not otherwise be modified, thus producing a record not currently in existence, the record is not required to be furnished under the Act.

(f) *Alternative method for transmitting information.* Whenever a record containing personal information about an individual is to be mailed in response to a request under this part, and the information is of such a nature that the disclosure officer has reasonable grounds for believing that the unauthorized dissemination of such information may be of significant harm to the subject of the record, then such a record shall be sent "Certified Mail, Return Receipt Requested."

**§ 70a.7 Request for correction or amendment to a record.**

An individual, without regard to his or her age, may request the correction or amendment of any record pertaining to him or her, which is contained within a system of records subject to the requirements set forth in this part, by mailing or delivering a written request in conformity with the requirements set forth in §§ 70a.4 and 70a.5 of this part. In addition, the request must state the information in the record which the requester believes to be unnecessary, inaccurate, irrelevant, untimely, or incomplete, the nature of the amendment desired, and a concise statement of the reasons therefor. All available supporting documents and materials which substantiate the requester's position should be included with the request.

**§ 70a.8 Agency review of request for correction or amendment to a record.**

(a) Upon receipt of a request to correct or amend a record, which is contained within a system of records subject to the requirements set forth in this part, a determination whether to grant the request shall be made by the proper authority charged with the responsibility of acting upon such re-

quests within the time limits prescribed in § 70a.6 of this part.

(b) Where it is determined that the request shall be granted in whole or in part, (1) the record shall be amended within the time limits prescribed in § 70a.6 of this part, and, in no event, is the record to be disclosed to any party until the amendments are so incorporated; (2) the requester shall be informed that the record has been so amended, and the record shall be made available for his or her review within the time limits prescribed in § 70a.6 of this part, and (3) all prior recipients of the record, of which an accounting is required to be kept, shall be notified as soon as possible of the amendments made to the record.

(c) Where it is determined that the request is to be denied, in whole or in part, the requester shall be so notified in accordance with § 70a.6(c) of this part.

**§ 70a.9 Procedures for appeal from initial adverse determination.**

(a) *Time within which appeal must be filed.* An applicant whose request for access, copying, amendment or correction of a record has been denied pursuant to this part may file an appeal within 90 days from the date of the denial to the Solicitor of Labor. The appeal shall state, in writing, the grounds for appeal and shall include any supporting statements or arguments. The appeal shall be addressed to the Solicitor of Labor, Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. To expedite the processing of the appeal, each such appeal should clearly indicate on the envelope and on the appeal the following: "Privacy Act: Appeal."

(b) *Receipt by Solicitor of appeal; acknowledgment.* Each appeal when received by the Solicitor, shall have the date and time of such receipt inscribed thereon. The Solicitor shall acknowledge the receipt of such appeal in writing.

(c) *Action on appeal.* (1) Action on an appeal shall be taken promptly subsequent to receipt by the Solicitor, and a determination shall be made within 30 working days from receipt thereof. Where the Solicitor determines that a decision cannot be made with the 30-